IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7544 OF 2006

Jauarkha S.Pathan and ors..... Petitioner

versus

Ruksana Sandukha Pathan ..... Respondent.

Shri A.N.Mulla for the petitioner
Shri S.M.Sabrad for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 2ND JULY, 2007

P.C.;

1. The respondent filed a suit for perpetual injunction and in the said pending suit, an application for temporary injunction was also filed seeking to restrain the present petitioners/original defendants from interfering with the suit premises which comprise of two rooms. The trial court rejected the temporary injunction application and aggrieved by the said order, the respondent filed Misc. Civil Appeal before the Ad-hoc District Judge, Niphad. The first Appellate Court allowed the Misc. Civil Appeal and granted injunction as prayed for. The first Appellate Court has restrained the present petitioner from interfering with the suit premises, as primafacie the first Appellate Court has found that the plaintiff/respondent was in possession of the said

premises on the date of instituting the suit. As per order dated 9-3-07 the respondent was directed to file an undertaking in this court, that the respondent shall hand over the possession of the said two rooms to the petitioner if it is established at the time of final hearing of the suit that the respondent was not in possession of the suit premises. Today the learned counsel for the respondent have placed on record the undertaking and I accept the same. It is taken on record and marked as‘X’ for identification. In view of the said undertaking I declined to interfere with the order passed by the Ad-hoc District Judge dated 11-9-2006. Hence writ petition is disposed of.

2. In the peculiar facts of the present case, I am of the view that ends of justice would advance, if the suit is decided expeditiously. Hence I hope and trust that the trial court will decide the suit as expeditiously as possible preferably within a period of six months from today.

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